D.B. CIVIL SPECIAL APPEAL (w) NO.397/2005
(Vikas Adhikari, P.S. Bali Vs. Juge, Ind. Tribunal & Ors.)

Date of order : 18.10.2006

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. L.R. Upadhyay, Govt. Advocate.

Having heard learned counsel for the appellant, we are satisfied that no case for interference is made out with the finding that the appellant has no sufficient cause for not appearing before the Labour Court in spite of service and having once appeared before the Labour Court he has consistently failed to appear. The writ petition filed by the petitioner against the ex-parte award was withdrawn with liberty to move an application before the Labour Court for setting aside the ex-parte awarded. The Labour Court did not find merit in the application for setting aside the award and the same was dismissed. Learned Single Judge finding that the finding of fact recorded by the Labour Court is not liable to be interfered with has dismissed the writ petition.

We are in agreement with the order passed by learned Single Judge. The appeal is dismissed.

(GOPAL KRISHAN VYAS), J. (RAJESH BALIA), J.

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